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HOUSE BILL 496

By Williams

AN ACT to amend Tennessee Code Annotated, Title 5; Title 6; Title 7; Title 13; Title 29; Title 42, Chapter 6; Title 44 and Title 54, relative to real property.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 13, Chapter 7, is amended by adding the following new part:

13-7-601.

A municipal, county, or regional planning commission or local legislative body shall not require a landowner to transfer ownership of land, located along an existing public right of way, to the local government as a condition of approving any proposed subdivision of private property, without first purchasing that portion of the property in fee simple title at fair market value. A landowner who is required to transfer ownership of land to the local government without compensation in violation of this section shall have a cause of action against the local government to recover damages, pursuant to § 29-16-123(a).

SECTION 2. Tennessee Code Annotated, Section 29-16-123, is amended by adding the following new subsection:

(c)

(1) The owner of land subject to a regulatory taking may file a petition for a jury of inquest or sue for damages in the ordinary way, as provided in subsection (a).

(2) "Regulatory taking" means the following effects when caused by city, county, or state regulations:

(A) Deprivation of all economically beneficial use of the land;

(B) Permanent physical invasion of the land; or

(C) Diminishment of property values, including, but not limited to, interference with distinct investment-backed expectations.

(3) If a plaintiff prevails in an action brought under this subsection (c), the plaintiff shall be entitled to reasonable costs, disbursements, and expenses, including reasonable attorney, appraisal, and engineering fees, actually incurred because of the proceeding, in addition to any damages awarded.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.